

May 1, 2019

**VIA ECF**

Honorable Cathy Seibel  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Berger v. Imagina Consulting, Inc. (7:18-cv-8956-CS)

Dear Judge Seibel,

We represent Plaintiff, Jason Berger, in the above in captioned case. I am writing let the Court know the reason for my absence at the conference scheduled for April 12, 2019 and why we should not pay for Defendant's cost to attending the conference. My grandfather unexpectedly passed away on that day and I needed to immediately arrange to be with my family during this difficult time. In the Jewish religion certain customs needed to be done before the Sabbath that I needed to assist in. I truly hope the Court understands this emergency.

I also wanted to inform the Court that Defendant's counsel behavior throughout this litigation has been harassing. We have told Defendant's counsel numerous times that we have nothing else to produce, and counsel is still harassing Plaintiff for documents. In addition, Plaintiff has agreed with your honor's proposal to settle the matter and Defendant has flatly rejected your proposal and is clearing prolonging this litigation unnecessarily for his own monetary gain.

The Court's consideration is much appreciated.

Respectfully Submitted,

/s/Richard Liebowitz  
Richard Liebowitz

*Counsel for Plaintiff Jason Berger*